

165 Capitol Avenue
Hartford, CT 06106-1658

**POLICY, PROCEDURES AND RULES RELATING TO THE
USE OF STATE FACILITIES
FOR NON-STATE BUSINESS PURPOSES**

I. Authority & Scope

These policies, procedures and rules are promulgated under the authority of Conn. Gen. Stat. § 4b-38, which provides the Commissioner of Administrative Services with authority to lease or make available State facilities for municipal or private use. This document applies to facilities that are under the management, care or control of the Department of Administrative Services ("DAS"), including State-owned or leased buildings, structures, appurtenances, parking lots and land (hereinafter referred to as "DAS Facilities").

All agencies, departments and offices housed in or utilizing DAS Facilities are expected to follow the rules outlined herein, and shall guide any individual or entity desiring to utilize DAS Facilities for non-State Business purposes (hereinafter sometimes referred to as the "User") to these rules and procedures.

II. Use of DAS Facilities for Non-State Business

Use of DAS Facilities for purposes other than for conducting State Business may be subject to reasonable limitations on the time, place and manner of use. "State Business" means administrative, governmental, and other acts and transactions required for or that facilitate the operation of State government. Permission is required for all individuals and entities desiring the use of any DAS Facility for a non-State Business purpose. The process for requesting such permission is described below.

When practicable, requests for use of DAS Facilities should be submitted at least 20 days in advance of the date desired. Requests will be approved on a first come, first served basis in a nondiscriminatory manner. In determining whether to grant permission the Commissioner or the Commissioner's designee (hereinafter "the Commissioner") shall consider whether the purpose serves the interests or general welfare of the public; the timeliness of the request; the public health, welfare and safety; the security and maintenance of the facility; and the normal conduct of State Business. Permitted use of DAS Facilities shall not imply endorsement or approval of the entity or activity.

2/24/2015

The conduct of State Business in each DAS Facility shall take precedence over any other requested use. Certain areas of DAS Facilities may be exclusively reserved for the purpose of State Business by the DAS Commissioner.

DAS Facilities shall be closed to the public outside of the posted public access hours, except as permitted by the Commissioner. DAS Facilities shall also be closed to the public in emergency situations and at such times as may be necessary for the orderly conduct of State Business. Admission to DAS Facilities during such periods will be limited to individuals authorized by the Commissioner.

III. Process for Requesting Permission to Use DAS Facilities

Each individual and entity that desires the use of any DAS Facility for a non-State Business purpose shall complete all required information on DAS's Form DAS-FM-50, and submit such form to the DAS Facilities Management contact indicated on the form. Requests should be received at least 20 days prior to the requested date of use. If the requester is an organization, the individual signing the application shall certify that s/he is duly authorized to legally bind the organization; if the requester is an individual, s/he shall certify that s/he understands that s/he is personally liable for his/her use of the Facility.

Individuals or entities desiring to use DAS Facilities for vending purposes shall first register with the Connecticut State Employees' Campaign for Charitable Giving ("CSEC"), prior to requesting DAS approval via a DAS-FM-50 (contact Jan Gwudz at Jan.Gwudz@ct.gov for information). DAS will not approve a DAS-FM-50 for vending purposes unless and until the applicant has registered with CSEC.

IV. Cancellation of Permission to Use DAS Facilities

DAS reserves the right to decline or cancel its permission for use of a DAS Facility upon its sole discretion. Any violation of the rules outlined in this policy by the User or persons under its control will result in the automatic revocation of DAS's permission to use the Facility. Any deviation from the rules shall require the written approval of the Commissioner. If use of the Facility is cancelled prior to an event, any fees pre-paid to DAS shall be refunded to the User. Once an event commences, all pre-paid fees are non-refundable.

V. ConnectiFIT and other State- or Agency-Sponsored or Approved Programs

Meetings, programs, events and classes, including exercise classes, that are part of an agency-sponsored or approved employee health and/or welfare program or other employee benefit program are considered to be State Business and therefore generally do not require prior written DAS permission via the DAS-FM-50 form process.

However, where the agency – or its employees on their own – decide to utilize an outside individual or organization to provide or facilitate the meetings, programs, events and/or classes, prior permission via the DAS-FM-50 form must be obtained before DAS Facilities may be used for such purposes. Agencies should also ensure that all state contracting laws and policies are followed when an agency secures outside services.

When a state employee him/herself seeks to use a DAS Facility to provide or facilitate meetings, programs, events and classes that are outside of the scope of the employee's state position, prior DAS permission via the DAS-FM-50 form must be obtained. In addition, particular care must be taken in such instances to ensure that all Code of Ethics rules are followed. As the Code of Ethics prohibits a state employee from using his or her state position for financial gain, it is critical that no state employee use state time, personnel, materials or other resources – including DAS or other State Facilities – for his or her private business. Therefore, while there is no prohibition on state employees using non-state work hours to conduct a meeting, program, event or class in a DAS Facility (even for a fee), all efforts should be made to make the opportunity open to members of the public with similar expertise. Furthermore, where the agency is procuring the services, all state contracting statutes and rules must be followed.

VI. General Rules Applying to DAS Facilities Use

1. Soliciting, Vending and Debt Collection

Except with regard to the exceptions listed below, soliciting charitable contributions, panhandling, commercial or political soliciting, vending of all kinds, displaying or distributing commercial advertising, or collecting private debts at DAS Facilities is prohibited. Exceptions to this rule include:

- (a) Individuals or entities that have registered with CSEC to sell goods and/or services in DAS Facilities.
- (b) Vending machines authorized by law, or authorized by State officials.*
- (c) Operation of cafeterias, shops and other concessions authorized by law or State officials ("authorized concessions"); and vendors operating within the space of such authorized concessions pursuant to the approval or agreement of the authorized concession operator.*

- (d) Vendors on contract with the State to sell goods or services where such contract mandates or permits the vendor to utilize DAS Facilities to demonstrate, train or provide information about such goods and services.*
- (e) Individuals or entities that have received specific written approval from DAS via the form DAS-FM-50 process.
- (f) Passive solicitation by State employees of de minimus charitable contributions, provided such solicitation has been approved by the department manager in advance.*
- (g) Concessions or personal notices posted by employees and information or notices posted by labor organizations that are posted on authorized bulletin boards.*

* There is no need to utilize the Form DAS-FM-50 in these cases.

2. **Fees, Insurance & Licenses**

The non-State Business use of some DAS Facilities may require the use of DAS staff, security guard staff, cleaning services, or other State-provided services. In such instances, and upon the sole discretion of DAS, DAS will notify the User of the fees associated with these services and the timing, method and form of payment, and the User shall be responsible for payment.

DAS, at its discretion, may require that uniformed police officers and/or firefighters be present during the User's use of DAS Facilities. In such instances, the User is responsible for making arrangements with the appropriate local agency to be present, and shall be responsible for all related expenses.

Users may be required to provide DAS with a certificate evidencing proper insurance coverage, as determined by DAS in its sole discretion. Standard insurance requirements for use of DAS Facilities generally include Commercial General Liability insurance in the minimum amount of \$1,000,000 per occurrence combined single limit, but Users may also be required to provide evidence of other insurance coverage, including but not limited to Workers' Compensation insurance, Automobile Liability coverage, and/or other coverages, depending upon the requested use. If the User will be supplying alcoholic beverages, the Commercial General Liability insurance shall include host liquor liability coverage. The sale of alcoholic beverages in DAS Facilities is strictly prohibited.

Should insurance be required by DAS, the User shall submit a certificate of insurance evidencing the insurance required and naming the "State of Connecticut" or "State of Connecticut, DAS" as an additional insured. Insurance must be placed with insurance companies with a current AM Best rating of no less than A-, VII. The User's insurer shall have no right of recovery or subrogation against the State and the User's insurance shall be primary coverage.

If DAS determines, in its discretion, that the User has caused damage to any to any DAS Facility in connection with its use, the User shall be responsible for all costs to repair such damages.

In instances where insurance is required by DAS, individuals and entities requesting to use DAS Facilities shall not initiate any activities associated with such use until evidence of the required insurance is provided.

3. **Limitations on Use & Compliance with Laws**

The Facility shall be used only on the dates and times specified and for the purpose stated on the User's application and shall not be transferable to any other individual or group. The User is responsible for ensuring appropriate supervision at all times. The Facility shall be used in compliance with all applicable federal, state and local laws.

4. **Inspections and Identifications**

All packages, briefcases, and other containers in the immediate possession of all persons entering a DAS Facility may be subject to inspection. Persons refusing to allow such inspection may be prohibited from entering the DAS Facility.

In order to ensure the safety of persons within DAS Facilities and to preserve public property, the Commissioner may require the presentation of acceptable identification.

5. **Firearms, Explosives and Other Dangerous Weapons**

Firearms, explosives, dangerous weapons or the components to fabricate such devices whether in open or concealed possession are prohibited in DAS Facilities.

6. **Preservation of Property**

No person shall improperly dispose of rubbish at DAS Facilities; willfully destroy, deface or damage DAS Facilities; steal or otherwise unlawfully remove property from DAS Facilities; create any hazard to persons or things; or climb upon statues, fountains, or other exhibits at DAS Facilities. Those using DAS Facilities for non-State Business are responsible for removing all personal property and rubbish brought to the Facility.

7. **Disturbances**

Any conduct resulting in a breach of the peace or disturbance, as prohibited under Connecticut law, or that impedes or disrupts the orderly conduct of State Business, as determined by DAS, is prohibited.

8. **Posting and Distributing Materials**

Posting or affixing materials, such as signs, pamphlets, handbills, or flyers, on bulletin boards or elsewhere upon DAS Facilities is prohibited, except as authorized by the Commissioner. Postings by State employees on designated bulletin boards are an exception to this provision.

Materials, such as signs, pamphlets, handbills, and flyers may only be distributed in the indoor areas of DAS Facilities with the permission of the Commissioner. Distribution must be in a manner that does not obstruct the passage of the public.

9. **Photographs or Video Recordings for Advertising or Commercial Purposes**

Photographs or video recordings in or upon DAS Facilities for advertising or commercial purposes may be taken only with the permission of the Commissioner.

10. **Smoking, Alcoholic Beverages and Controlled Substances**

Smoking is prohibited in and around DAS Facilities. The consumption of alcoholic beverages in or upon DAS Facilities is prohibited without the permission of the Commissioner. Sale or consumption of controlled substances in or upon DAS Facilities is prohibited. A patient's use of a pharmaceutical that was properly prescribed for that patient by a licensed physician may be an exception to this rule.

11. **Animals**

Pets or animals are prohibited in DAS Facilities without the permission of the Commissioner. Animals used to guide or assist individuals with disabilities who are employees or members of the public having business in DAS Facilities are an exception to this provision.

12. **Changes in Appearance to DAS Facilities**

Any modifications to DAS Facilities require the permission of the Commissioner. Leasehold improvements not expressly agreed to in a lease agreement require written approval by the Commissioner.

13. **Parking.** Parking at DAS Facilities is only allowed in designated parking areas. Violations of DAS parking rules, such as parking in a handicapped space without visibly displaying a current valid handicapped permit sign, placard or marker plate; parking in an unauthorized or reserved area; double-parking; overnight parking without authorization; parking on the sidewalk, entrance or exit; parking in a fire lane; blocking traffic; creating a public hazard; or obstructing normal business operations (blocking loading dock, dumpsters, etc.), may result in ticketing or other enforcement action.

The State of Connecticut is not liable or responsible for any damage or loss resulting from the use of DAS parking facilities, including but not limited to the loss or theft of vehicles, parts of vehicles, or any article or item left in a vehicle; damages or losses resulting from vandalism or accidents in DAS provided parking locations; and other damages and losses, even if the result of negligence on behalf of the state or its agents.

14. Effects on Other Laws

Nothing contained in these rules shall be construed to nullify any federal or state laws or regulations applicable to any area in which a DAS Facility is located. These rules supersede any rules governing DAS Facilities formerly promulgated by the Commissioner, and is intended to be read in conjunction with other applicable DAS rules and policies, including but not limited to the Rules for DAS-Provided Parking Areas, the DAS Americans with Disability Act Policy and others. In the event that an agency occupying a State Facility has adopted a policy or rule that is more restrictive than these rules, the more restrictive policy or rule shall control. Agencies shall file all rules and policies concerning DAS Facilities with the Commissioner and shall consult with the Commissioner prior to promulgating or revising any such rules or policies.

VII. No Representations or Warranties, Release, and Agreement to Indemnify and Hold Harmless

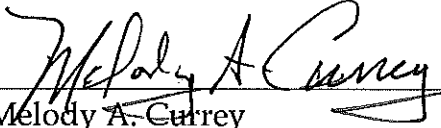
The User agrees that it uses DAS Facilities at its own risk. The User understands that neither the State of Connecticut nor any official, employee or agent thereof makes any representations or warranties about the safety of the Facility.

The User agrees that neither the State of Connecticut nor any official, employee or agent thereof shall be held liable for any injury or damage, including death, to any person or property which may arise in connection with the User's use of the Facility. The User expressly waives all such claims against the State of Connecticut and its officers, employees and agents.

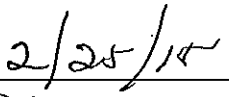
The User agrees to protect, indemnify and hold harmless the State of Connecticut and its officers, employees and agents from and against any and all loss, cost, liability, injuries, including death, damages, compensation, and expense, including, without limitation, all claims, demands, penalties, actions, causes of action, suits, litigation, and attorney's fees arising out of or directly or indirectly related to the User's use of the Facility.

VIII. Modification of Rules

DAS reserves the right to modify this Policy and/or the rules herein at its sole discretion.



Melody A. Currey
Commissioner
Department of Administrative Services



Date